IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8095 of 2003

Between:

Sanku Pullarao, S/o Satteiah, R/o Bhuvana Palli, Nidamaru Mandal, West Godavari District.

..... PETITIONER

AND

1. Bhuvana Palli Grampanchayat, represented by its Sarpanch, Bhuvanapalli Village, Nidamaru Mandal, West Godavari District.
2. The District Manager, A.P.Housing Corporation, Eluru, West Godavari District.
3. The District Collector, Eluru, West Godavari District.
4. Smt.Sanku Vijayalakshmi, w/o Narasaiah, R/o H.No.4-34, Jaggayacheruvu, Bhuvanapalli village, Nidamarru Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction on the part of the respondents 1 to 3 in not taking steps to stop illegal construction of RCC building by the 4th respondent in R.S.No.171 of Bhuvanipalli village, Nidumaru Mandal, W.G. District despite subsisting of interim order of status quo in WPMP No.24310 of 1997 in W.P.No.20040 of 1997 granted by this Honourable Court as illegal, arbitrary,

capricious, unjust, unwarranted, violative of B.S.O.15(4) II (a) and (m) and Section 58 of A.P. Panchayat Raj Act, 1994 and consequently to direct the respondents 1 to 3 to take steps for preventing the 4th respondent from proceeding with permanent construction of R.C.C.building in the above Gramakantam paromboke.

Counsel for the Petitioner:MR.N.GOPI CHAND

Counsel for the Respondent No.1: Mr.G.Krishna Murthy

Counsel for the Respondent No.2: Mr.V.Ch.Naidu

Counsel for the Respondent No.3: GP FOR REVENUE

Counsel for the Respondent No.4: None appeared

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Similar petition was disposed of by order dated 5th July, 2004 passed in W.P.No.4398 of 1997. We dispose of this petition also in terms of the order passed in W.P.No.4398 of 1997 with direction that allotments so far made of the houses constructed as per the scheme will not be disturbed. The allotments will continue to remain in operation, but no further allotment will be made under the policy as notified through the impugned G.O.Ms.No.87 dated 24-10-1996. Fresh allotments will be made as per the policy to be formulated by the State Government. In the event of any person being aggrieved by the policy to be formulated, he will be at liberty to challenge the same in accordance with law.

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DEVINDER GUPTA, CJ

16-11-2004

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C.V.RAMULU, J

Tvr

To

1. The Sarpanch, Bhuvana Palli Grampanchayat, Bhuvanapalli Village, Nidamaru Mandal, West Godavari District.

2. The District Manager, A.P.Housing Corporation, Eluru, West Godavari District.

3. The District Collector, Eluru, West Godavari District.

4. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.